

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ANTHONY C. KENNEY,	§	
Plaintiff,	§	
	§	
v.	§	3:15-CV-2260-D-BK
	§	
ADMINISTRATIVE RECORDS	§	
DEPARTMENT OF PUBLIC SAFETY	§	
RECORDS DEPARTMENT,	§	
Defendant.	§	

**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to [28 U.S.C. § 636\(b\)](#) and *Special Order 3*, this civil action was automatically referred to the United States Magistrate Judge. Plaintiff neither paid the filing fee nor sought leave to proceed *in forma pauperis*. For the reasons that follow, it is recommended that this case be summarily dismissed in light of prior sanctions imposed against him.

I. BACKGROUND

On July 8, 2015, Plaintiff, an Oklahoma resident, filed a *pro se* *Petition and Order for Full Pardon & Motion to Seal & Expungement Under Act 1460*:[ACA16](#). [Doc. 1](#). He names as Defendant the Administrative Records Department of Public Safety Records in Austin, Texas. Plaintiff seeks “to modify records from the Arkansas crime information center and the Texas department of public safety records.” [Doc. 1 at 1](#). He claims these departments “hold[] unwanted . . . records from [sic] many years ago that is unexpungeable [and] that is malicious to ones 2nd amendment rights under Nics [sic] FBI background check system appeal rights firearm gun laws report.” [Doc. 1 at 1](#). Plaintiff states that he “has been filing pardon to Governors [sic] office for more then [sic] 18 years since and never any one pardon has been given.” [Doc. 1 at 1](#).

The remainder of the complaint reads in its entirety as follows:

*UNDER SECTION 1290.25 LGISLATIVE POLICY STATE ISSUEING
LICENSES FOR LAWFUL SELF DEFENSE PROTECTION TO ENSURE
THAT NO HONEST LAW ABIDING CITIZEN IS SUBJECTIVELY OR
ARBITRARILY DENIED RIGHTS LIABILITY INTRUDERS TO HOMES
OR PLACES OF BUSINESS AS A LESSEE OR TITLE HOLDERS
DWELLING RESIDENCE WHO FILLS DEFENSIVE FORCE RIGHTS
OF IMMINET PERIL OF SAFTY CONFISCATION OF PROPERTY
RIGHTSITITLE 211289.25.PLAINTIFF FILED SEVERAL PARDONS
UNDER ACT 1460 A.C.A 16-901401 UNDER THIS ACT FOR
YEARS TO TEXAS AND ARKANSAS AND TO THE OKLAHOMA
STATE PARDON BOARD AND TO THE NICS FBI APPEAL BOARD
FOR TITIL 2 RIGHTS SINCE 1989 AND NEVER EXISTING ANY
IMPLICATION TO PROMPTLY ENTITLE THE PARDON SECTION
1290 STATUES OF OKLAHOMA SELF DEFENSE ACT.ONLY THE
PARDONS FROM TEXAS SINCE 1984 AND ARKANSAS SINCE
1998 ARE ALWAYS DENIED UNDER
ACT 1460 ACA 16-90-1401 AS NON VIOLANT OFFENDER WHO
LIVES ON SECTION 8 HOUSEING INTULSA OKLAHOMA BEING
ON DISSABILITY BENEFITS BEING TESTIMONY FOR RELIEF
SECTION 1290 STATUTES CODE OF CONDUCT 18U.S.C1623
TIT/LE 2 APPEALANT DECLARATORY RELIEF AND PRIVILEGES
WHO ASK FOR LGISLATIVE POLICY WHO ISSUE THESE SELF
DEFENSE LICENSING ONLY THAT TEXAS DEPARTMENT OF
PUBLIC SAFTY AND ARKANSAS CRIME INFORMATION CENTER
WHO HOLDS INFORMATION THAT IS TO LONG AGO AND
DOSES NOT EXIST IN COUNTY FILES FOR EXPUNGMENT THAT
THE NICS APPEAL FBI STATES TO MODIFY TO THEM FOR TO
PASS THE NICS APPEAL FILES11/EVEN STILL BEING ELGIBLE FOR
PARDONS THESE PROGRAMS ARE ONLY DENIED EVERY YEAR
STILL FILEING TILE NOW.*

Doc. 1 at 3-4 (misspelling in complaint).

Contemporaneously with the petition in this case, Petitioner filed two identical petitions against the Texas Governor and the Arkansas Crime Information Center Record Department. *See Kenney v. Arkansas Crime Information Center*, No. 3:15-CV-2258-M-BH (N.D. Tex. 2015) (transferred to the United States District Court for the Eastern District of Arkansas); *Kenney v. Abbott*, No. 3:15-CV-2257-G-BH (N.D. Tex. 2015) (pending screening).

A review of his prior filings nationwide reflects that Plaintiff is no stranger to the federal courts, having filed over seventy actions. *See* PACER printout (Attachment A). In 2010, the

United States District Court for the Northern District of Oklahoma barred Plaintiff (who had filed thirty civil actions by then) from filing any further complaints in that court without first obtaining permission from the Chief Judge. See [*Kenney v. Oklahoma Comptroller*](#), No. 4:10-CV-0137 (N.D. Ok. Sep. 27, 2010) (Attachment B). The Court found that Plaintiff's "numerous frivolous filings, often in forma pauperis, ha[d] created an abusive practice." *Id.* In addition, the United States Court of Appeals for the Tenth Circuit has warned Plaintiff, who has brought more than twenty appeals before that court, that "any future frivolous, malicious, or abusive filings will put him at the risk of sanctions, including possible filing restrictions in this court." [*Kenney v. Oklahoma*](#), 601 Fed. App'x 761 (10th Cir. 2015).

II. ANALYSIS

Federal courts have the authority to levy sanctions against *pro se* litigants and attorneys who violate [Rule 11\(b\), of the Federal Rules of Civil Procedure](#). See [FED. R. CIV. P. 11\(b\) and \(c\)\(1\)](#); [*Whitehead v. Food Max of Miss., Inc.*](#), 332 F.3d 796, 802-03 (5th Cir. 2003) (a violation of any provision of [Rule 11\(b\)](#) justifies sanctions). Sanctions may be appropriate when a *pro se* litigant has a history of submitting multiple frivolous claims. [*Mendoza v. Lynaugh*](#), 989 F.2d 191, 195-197 (5th Cir. 1993). *Pro se* litigants have "no license to harass others, clog the judicial machinery with meritless litigation, and abuse already overloaded court dockets." [*Ferguson v. MBank Houston, N.A.*](#), 808 F.2d 358, 359 (5th Cir. 1986). Moreover, litigants who abuse the judicial process are "not entitled to sue and appeal without paying the normal filing fees -- indeed, are not entitled to sue and appeal, period." [*Free v. United States*](#), 879 F.2d 1535, 1536 (7th Cir. 1989).

Here, even under the most deferential review, Plaintiff's complaint fails to comply with the requirements of [FED. R. CIV. P. 8\(a\)](#). His allegations also border on the fantastic and the


delusional. See [*Denton v. Hernandez*, 504 U.S. 25, 32-33 \(1992\)](#). Therefore, his complaint is frivolous and malicious.

In light of the frivolous nature of the complaint, the filing restriction imposed in the Northern District of Oklahoma, and the lengthy and notorious history of filing frivolous lawsuits, Plaintiff should not be permitted to proceed *in forma pauperis* and should be barred from filing future *in forma pauperis* actions in this Court without first seeking leave to file. See [FED. R. CIV. P. 11\(b\)\(2\) and \(c\)\(1\)](#); [Canzoneri v. McCormick](#), No. 3:12-CV-1241-G-BK, 2012 WL 1864309 (N. D. Tex. Apr. 26, 2012), recommendation accepted, [2012 WL 1864282 \(N.D. Tex. May 22, 2012\)](#) (denying *in forma pauperis* motion and barring Plaintiff from filing future *in forma pauperis* actions without first obtaining leave to file because of plaintiff's history of filing frivolous, repetitive lawsuits).

III. RECOMMENDATION

For the foregoing reasons, it is recommended that, insofar as Plaintiff seeks leave to proceed *in forma pauperis* (as he has done in numerous prior frivolous filings nationwide), his request be **DENIED**, and that Plaintiff be **BARRED** from filing future *in forma pauperis* actions in this Court without first seeking leave to file. It is further recommended that Plaintiff be **WARNED** that the continued submission of frivolous actions and documents may result in the imposition of additional sanctions, including monetary penalties.


SIGNED July 16, 2015.



RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

A copy of this report and recommendation will be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. See [28 U.S.C. § 636\(b\)\(1\)](#); [FED. R. CIV. P. 72\(b\)](#). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's report and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. See [Douglass v. United Services Automobile Ass'n](#), 79 F.3d 1415, 1417 (5th Cir. 1996).


RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A



Civil Party Search
Mon Jul 13 12:59:25 2015
73 records found

User: libraryus4502

Client: null

Search: Civil Party Search Name Kenney, Anthony C All Courts Page: 1

Party Name ▼	Court	Case	NOS	Date Filed	Date Closed
1 Kenney, Anthony C (pla)	aredce	4:1999-cv-00879	442	11/30/1999	05/15/2000
Kenney v. Dunby, et al					
2 Kenney, Anthony C (pla)	txndce	3:2015-cv-00821	360	03/13/2015	
Kenney v. Sedgwick Claims Management National et al					
3 Kenney, Anthony Charles (pla)	aredce	4:1996-cv-00753	442	09/23/1996	08/26/1997
Kenney v. Harold Ives Trucking					
4 Kenney, Anthony Charles (pla)	aredce	5:1995-cv-00710	550	12/18/1995	01/30/1996
Kenney v. Norris					
5 Kenney, Anthony C (pla)	aredce	4:2015-cv-00421	440	07/10/2015	
Kenney v. Arkansas Crime Information Center					
6 Kenney, Anthony C (pla)	txndce	3:2015-cv-02260	550	07/08/2015	
Kenney v. Administrative Records Department of Public Safety Records Department					
7 Kenney, Anthony Charles (pla)	aredce	4:1996-cv-00957	442	12/06/1996	04/29/1997
Kenney v. Labor World, et al					
8 Kenney, Anthony Charles (pla)	aredce	5:1996-cv-00043	530	01/19/1996	05/13/1996
Kenney v. Norris					
9 Kenney, Anthony C (pla)	aredce	4:1999-cv-00878	442	11/30/1999	06/27/2000
Kenney v. Musgreaves, et al					
10 Kenney, Anthony C (pla)	okwdce	5:2014-cv-00463	440	05/07/2014	01/29/2015
Kenney v. Oklahoma State of					
11 Kenney, Anthony Charles (pla)	aredce	4:1996-cv-00752	442	09/23/1996	05/01/1997
Kenney v. Willis Shaw Express					
12 Kenney, Anthony Charles (pla)	aredce	5:1995-cv-00707	530	12/15/1995	02/21/1996
Kenney v. Norris					
13 Kenney, Anthony C (pla)	aredce	4:1998-mc-00009	999	01/26/1998	05/14/1998
Kenney v. Norris					
14 Kenney, Anthony C (pla)	okwdce	5:2012-cv-00935	360	08/27/2012	11/28/2012
Kenney v. Lambie					
15 Kenney, Anthony Charles (pla)	aredce	4:1995-cv-00143	550	03/08/1995	04/05/1995
Kenney v. Doe					
16 Kenney, Anthony Charles (pla)	aredce	5:1994-cv-00193	530	04/21/1994	06/08/1994
Kenney v. Norris					
17 Kenney, Anthony C (pla)	mndce	0:2012-cv-01279	442	05/29/2012	06/21/2012
Kenney v. Bates et al					
18 Kenney, Anthony C (pla)	txndce	3:2015-cv-02257	440	07/08/2015	
Kenney v. Abbott					
19 Kenney, Anthony Charles (pla)	aredce	4:1996-cv-00958	442	12/06/1996	09/04/1997
Kenney v. Ivey Mechanical, et al					
20 Kenney, Anthony Charles (pla)	aredce	5:1996-cv-00107	550	02/20/1996	03/29/1996
Kenney v. Morgan					
21 Kenney, Anthony C (pla)	aredce	4:1998-cv-00047	442	01/26/1998	10/13/1998
Kenney v. Munsey Products Inc, et al					
22 Kenney, Anthony C (pla)	okwdce	5:2011-cv-01120	440	10/03/2011	10/05/2011
Kenney v. AG Equipment Co et al					
23 Kenney, Anthony C. (pla)	tnwdce	2:2007-cv-02196	440	03/12/2007	07/31/2007
Kenney v. NKC of America					
24 Kenney, Anthony Charles (pla)	aredce	5:1993-cv-00491	550	08/12/1993	09/30/1993
Kenney v. Morgan, et al					
25 Kenney, Anthony C (pla)	aredce	4:2007-cv-00067	442	01/29/2007	05/01/2007
Kenney v. Egan					
26 Kenney, Anthony C (pla)	txndce	3:2015-cv-02258	550	07/08/2015	07/09/2015
Kenney v. Arkansas Crime Information Center					
27 Kenney, Anthony Charles (pla)	aredce	4:1996-cv-00758	442	09/25/1996	12/19/1996
Kenney v. Jack Langston, et al					
28 Kenney, Anthony Charles (pla)	aredce	5:1996-cv-00032	550	01/18/1996	02/27/1996
Kenney v. Norris					
29 Kenney, Anthony C (pla)	aredce	4:1997-mc-00021	999	02/03/1997	02/07/1997
Kenney v. SSA					
30 Kenney, Anthony C (pla)	okndce	4:2007-cv-00351	440	06/21/2007	06/10/2009
Kenney v. NICS Appeal Division FBI Information Services Clarksburg					
31 Kenney, Anthony C. (pla)	lamdce	3:2015-cv-00232	440	04/13/2015	
Kenney v. Dept. of Public Records of Texas et al					
32 Kenney, Anthony Charles (pla)	aredce	5:1992-cv-00756	550	11/23/1992	01/13/1993
Kenney v. Norris					
33 Kenney, Anthony C (pla)	aredce	4:1999-cv-00877	442	11/30/1999	01/19/2000
Kenney v. Taylor					
34 Kenney, Anthony C (pla)	okwdce	5:2012-cv-01276	440	11/19/2012	11/26/2012
Kenney v. Long Term Care Partners LLC et al					
35 Kenney, Anthony Charles (pla)	aredce	4:1996-cv-00131	550	02/20/1996	03/15/1996
Kenney v. Foster					
36 Kenney, Anthony Charles (pla)	aredce	5:1995-cv-00646	530	11/17/1995	02/21/1996
Kenney v. Norris					
37 Kenney, Anthony C (pla)	aredce	4:1997-mc-00147	999	08/04/1997	08/08/1997
Kenney v. Cass					
38 Kenney, Anthony C (pla)	okndce	4:2009-cv-00478	440	07/22/2009	07/28/2009
Kenney v. Facilities Performance Group et al					

Case 3:15-cv-02260-D-BK Document 4 Filed 07/16/15 Page 8 of 17 PageID 28

<u>Party Name</u>	<u>Court</u>	<u>Case</u>	<u>NOS</u>	<u>Date Filed</u>	<u>Date Closed</u>
39 Kenney, Anthony C. (pla) Kenney v. Prime Recruiters Trucking Co. et al	mowdce	6:2015-cv-03095	440	03/13/2015	03/19/2015
40 Kenney, Anthony Charles (pla) Kenney v. Reed, et al	aredce	5:1993-cv-00451	530	07/14/1993	09/08/1993
41 Kenney, Anthony C (pla) Kenney v. North Amer Van Lines, et al	aredce	4:1997-cv-00463	442	06/04/1997	01/28/1998
42 Kenney, Anthony C (pla) Kenney v. Gas Tech Engineering Corp Human Resource	okndce	4:2007-cv-00350	442	06/21/2007	11/20/2007
43 Kenney, Anthony C. (pla) Kenney v. Egan et al	ksdce	5:2007-cv-04073	442	06/11/2007	10/05/2007
44 Kenney, Anthony Charles (pla) Kenney v. Norris	aredce	5:1992-cv-00480	530	08/05/1992	11/30/1992
45 Kenney, Anthony C (pla) Kenney v. BHT Investment Co, et al	aredce	4:1997-cv-00041	442	01/17/1997	06/02/1997
46 Kenney, Anthony C (pla) Kenney v. Egan et al	okndce	4:2006-cv-00159	442	03/15/2006	08/11/2006
47 KENNEY, ANTHONY C. (pla) KENNEY v. SWIFT TRANSP INC et al	dcdce	1:2007-cv-00448	440	03/07/2007	03/07/2007
48 Kenney, Anthony Charles (pla) Kenney v. Huckabee, et al	aredce	4:1998-cv-00069	442	02/03/1998	02/17/1998
49 Kenney, Anthony C (pla) Kenney v. Fabrication Service, et al	aredce	4:1997-cv-00462	442	06/04/1997	01/13/1998
50 Kenney, Anthony C (pla) Kenney v. Valmont Industries, Inc. et al	okndce	4:2006-cv-00586	440	10/24/2006	07/31/2007
51 KENNEY, ANTHONY C. (pla) KENNEY v. SRT INC	dcdce	1:2015-cv-00813	360	06/02/2015	06/02/2015
52 Kenney, Anthony Charles (pla) Kenney v. Doe	aredce	4:1998-mc-00028	999	02/23/1998	03/25/1998
53 Kenney, Anthony C (pla) Kenney v. SSA	aredce	4:1997-cv-00106	864	02/07/1997	03/10/1998
54 Kenney, Anthony C (pla) Kenney v. Trinity Industries, Inc. et al	okndce	4:2006-cv-00585	440	10/24/2006	07/27/2007

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Description Civil Party Search

Name Kenney, Anthony C All Courts Page: 1

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Civil Party Search
 Mon Jul 13 12:59:25 2015
 73 records found

User: libraryus4502

Client: null

Search: Civil Party Search Name Kenney, Anthony C All Courts Page: 2

Party Name	Court	Case	NOS	Date Filed	Date Closed
55 KENNEY, ANTHONY C. (pla) KENNEY v. EGAN et al	dcdce	1:2007-cv-00541	442	03/19/2007	03/19/2007
56 Kenney, Anthony Charles (pla) Kenney v. Cass	aredce	4:1998-cv-00204	440	08/08/1997	03/31/1998
57 Kenney, Anthony C (pla) Kenney v. SSA	aredce	4:2002-cv-00471	864	08/05/2002	11/25/2003
58 Kenney, Anthony C (pla) Kenney v. Harmon et al	okndce	4:2006-cv-00144	890	03/08/2006	08/11/2006
59 KENNEY, ANTHONY C. (pla) KENNEY v. NKC OF AMERICA	dcdce	1:2007-cv-00293	440	02/08/2007	02/08/2007
60 Kenney, Anthony Charles (pla) Kenney v. Arkansas, State of	aredce	4:1998-cv-00068	442	02/03/1998	04/27/1998
61 Kenney, Anthony C (pla) Kenney v. Grable, et al	aredce	4:2000-cv-00155	442	03/02/2000	04/30/2004
62 Kenney, Anthony C (pla) Kenney v. NKC of America	okndce	4:2006-cv-00132	442	03/02/2006	08/11/2006
63 KENNEY, ANTHONY C. (pla) KENNEY v. USA	cofce	1:2012-cv-00521	528	08/16/2012	08/24/2012
64 Kenney, Anthony Charles (pla) Kenney v. Arkansas Cmnty Dept	aredce	4:1997-cv-00245	440	03/26/1997	06/12/1998
65 Kenney, Anthony C (pla) Kenney v. Stoneville Insurance, et al	aredce	4:2000-cv-00546	440	07/12/2000	08/31/2000
66 Kenney, Anthony C (pla) Kenney v. Gill et al	okndce	4:2006-cv-00143	890	03/08/2006	08/11/2006
67 KENNEY, ANTHONY C. (pla) KENNEY v. USA	cofce	1:2013-cv-00568	528	08/09/2013	01/31/2014
68 Kenney, Anthony Charles (pla) Kenney v. Arkansas Cmnty Ctr	aredce	4:1997-mc-00039	999	03/12/1997	03/26/1997
69 Kenney, Anthony C (pla) Kenney v. Dixie Restaurant, et al	aredce	4:2000-cv-00070	442	02/01/2000	08/08/2000
70 KENNEY, ANTHONY C (pla) KENNEY v. SWIFT TRUCKING INC	njdce	3:2011-cv-04499	440	08/04/2011	10/05/2012
71 KENNEY, ANTHONY C. (pla) KENNEY v. USA	cofce	1:2010-cv-00471	138	07/19/2010	07/30/2010
72 Kenney, Anthony Charles (pla) Kenney v. Arkansas, State of	aredce	4:1996-mc-00159	999	10/10/1996	11/07/1996
73 Kenney, Anthony Charles (pla) Kenney v. Dept of Public Sfty Records Dept	txwdce	1:2015-cv-00074	440	01/27/2015	03/19/2015

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Description Civil Party Search

Name Kenney, Anthony C All Courts Page: 2

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Pages 1 (\$0.00)

ATTACHMENT B

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

ANTHONY KENNEY,)	
)	
Plaintiff,)	
)	
v.)	Case Number: 10-CV-137-JHP-PJC
)	
OKLAHOMA COMPTROLLER,)	
)	
Defendant.)	

OPINION AND ORDER

On March 8, 2010, Plaintiff filed a civil complaint (Doc. No. 1). Plaintiff also filed a motion for leave to proceed *in forma pauperis* (Doc. No. 2).

In the last four years, Plaintiff has filed 30 civil cases in the District Court for the Northern District of Oklahoma. *In Forma Pauperis* has been granted in 19 cases. It has been denied in five cases, moot in one case and pending in five others.¹

In the 30 cases:

- 4 - Dismissed as frivolous
- 8 - Dismissed for failure to state a claim
- 7 - Dismissed for lack of subject matter jurisdiction
- 3 - Dismissed for failure to prosecute or respond to motions
- 3 - Dismissed for failure to cure IFP deficiencies
- 5 - Cases are still pending

Federal courts have the inherent power under 28 U.S.C. § 1651(a) to regulate the activities of abusive litigants by imposing restrictions under appropriate circumstances. See *Sieverding v. Colo. Bar. Ass'n*, 469 F.3d 1340, 1343 (10th Cir. 2006); *Winslow v. Hunter (In re Winslow)*, 17 F.3d

¹See attached listing of the cases filed by Kenney in this Court.

314, 315 (10th Cir. 1994); *Tripati v. Beaman*, 878 F.2d 351, 352 (10th Cir. 1994); *Andrews v. Heaton*, 483 F.3d 1070 (10th Cir. 2007); *Springer v. Internal Revenue Serv.*, 2007 WL 1252475 (10th Cir. May 1, 2007)(unpublished). Injunctions restricting further filings are appropriate where (1) the Court sets forth the litigants' lengthy and abusive history; (2) the Court provides guidelines as to what the litigant may do to obtain permission to file an action; and (3) the litigant receives notice and an opportunity to oppose the Court's order before it is implemented. *See Tripati*, 878 F.2d at 353-54. As the Tenth Circuit stated in *Andrews*, 483 F.3d at 1077, "[f]ederal courts have the inherent power to regulate the activities of abusive litigants by imposing carefully tailored restrictions in appropriate circumstances."

This Court has reviewed Kenney's filing history in the Northern District of Oklahoma and finds that his numerous frivolous filings, often *in forma pauperis*, have created an abusive practice. Based on Kenney's previously stated filing history in the Northern District, Kenney is hereby enjoined from filing any further complaints in the United States District Court for the Northern District of Oklahoma without first obtaining permission from the Chief Judge.

Kenney is limited to filing new cases with this Court as follows:

1. With respect to any pro se pleading, Kenney is required to submit to the Clerk of this Court, an "Application and Affidavit" for a proposed filing, with the "Proposed Pleading," attached as an exhibit. The Application and Affidavit should request permission of the Court to file the Proposed Pleading and should also contain the information detailed in paragraph one (2), below.
2. The Application and Affidavit must contain Kenney's statement, under penalty of perjury pursuant to 28 U.S.C. § 1947, in proper form, which includes: (a) the legal basis for the Proposed Pleading; (b) the specific factual basis for the Proposed Pleading; (c) a statement

that the issues raised in the Proposed Pleading have never been finally disposed of by any federal or state court and are not barred by the doctrines of res judicata or collateral estoppel; (d) the identity and nature of assistance by any third person in preparing the Proposed Pleading; (e) a statement that the factual allegations and/or legal arguments raised by the Proposed Pleading are (i) not frivolous or made in bad faith, (ii) warranted by existing law, (iii) not made for an improper purpose to cause delay or needless increase in costs, and (iv) not made to avoid any order of any court; (f) a list of all witnesses and attachment of all documents which support the factual allegations of the Proposed Pleading; and (g) the Proposed Pleading which Kenney is requesting that the Court file (attached as an Exhibit to the Application and Affidavit). The Application and Affidavit for Filing shall be scanned and numbered by the Clerk of the Court. However, the Application and Affidavit for Filing shall not be accepted for filing unless it is approved by Order of the Chief Judge or the Chief Judge's designee.

3. The Application and Affidavit, or any documents or pleadings submitted by Kenney to the Clerk of the Court, shall be referred to a United States Magistrate Judge to determine whether the documents or proposed pleadings meet the requirements outlined in paragraph one. The Report and Recommendation of the Magistrate Judge shall be filed of record and reviewed by the Chief Judge, or by a judge designated by the Chief Judge. Kenney is permitted, in accordance with the standard rules providing for objections to a Report and Recommendation, to submit an Objection to the filed Report and Recommendation. The Court Clerk shall file of record any such Objection to the Report and Recommendation in the miscellaneous case established pursuant to this General Order.

4 The Chief Judge or the Judge designated to review the Report and Recommendation shall

review the Objection filed by Kenney, if any, and the Report and Recommendation, and determine whether or not the Proposed Pleading, attached as an exhibit to the Application and Affidavit, or any other document submitted by Kenney shall be filed. Absent the approval of the Chief Judge, or the Chief Judge's designee, the Proposed Pleading or any other submitted pleading or document, except for the Objection to the Report and Recommendation, shall not be filed. If the Chief Judge or the Chief Judge's designee approves the filing, an order shall be entered by that Judge that the Court Clerk shall file the pleading or document. The order of the Chief Judge or the Chief Judge's designee shall also indicate if the pleading or document should be filed in miscellaneous case established pursuant to this General Order, or if a new case number should be opened for the pleading or document. The order of the Chief Judge or the Chief Judge's designee shall, if the pleading or document is accepted for filing, outline any filing restrictions that will remain with respect to future pleadings or documents submitted by Kenney.

Kenney shall have ten (10) days from the date of this Order to file a written objection, limited to fifteen pages, to this imposition of filing restrictions. *See Winslow*, 17 F.3d at 316. If no objections are filed, then the filing restriction shall take effect twenty (20) days from the date of this Order. If Kenney does file an objection, then the filing restriction will not take effect until the Court rules upon the objection.

IT IS FURTHER ORDERED that the Court hereby sua sponte **dismisses** plaintiffs' claims against all defendants. This action is hereby **terminated**.

IT IS FURTHER ORDERED that the Court hereby places filing restrictions on plaintiff.

Kenney is required to follow the procedure outlined above. The Court will enter a General Order signed by all of the district judges and available to the public reiterating these procedures. Plaintiff shall have ten (10) days from the date of this Order to file an objection, limited to fifteen pages, to the Court's imposition of this filing restriction.

IT IS FURTHER ORDERED that the Court Clerk is directed to provide copies of this order to all District Judges.

A handwritten signature in black ink, appearing to read "James H. Payne", is written over a light gray rectangular background.

JAMES H. PAYNE, JUDGE
UNITED STATES DISTRICT COURT

ATTACHMENT:

Summary of Anthony Kenney's Filing History:

06-cv-132-JHP-FHM Anthony C Kenney v. NKC of America
IFP Granted
Dismissed - Frivolous

06-cv-143-JHP-FHM Anthony C Kenney v. Gill et al
IFP Granted
Dismissed - Frivolous

06-cv-144-JHP-saj Anthony C Kenney v. Harmon et al
IFP Granted
Dismissed - Frivolous

06-cv-159-JHP-FHM Anthony C Kenney v. Egan et al
IFP Granted
Dismissed - Frivolous

06-cv-585-GKF-FHM Anthony C Kenney v. Trinity Industries, Inc. et al
IFP Granted
Dismissed - Failure to state a claim

06-cv-586-GKF-FHM Anthony C Kenney v. Valmont Industries, Inc. et al
IFP Granted
Dismissed - lack of subject matter jurisdiction

06-cv-611-TCK-PJC Anthony Kenney v. Debit Card Support Services Vipcard Inc
IFP Granted
Dismissed - Failure to prosecute

06-cv-612-GKF-PJC Anthony Kenney v. PCIDC Student Loan Inc
IFP Granted
Dismissed - lack of subject matter jurisdiction, motions deemed confessed (failure/respond)

07-cv-104-GKF-PJC Anthony Kenney v. Professional Welding et al
IFP Granted
Dismissed - failure to state claim

07-cv-105-TCK-FHM Anthony Kenney vs. Stand by Personnel et al
IFP Granted
Dismissed - Failure to prosecute, failure/respond to motions

07-cv-350-GKF-saj Anthony C Kenney v. Gas Tech Engineering Corp Human Resource
IFP denied - wrong form
Dismissed - for Failure to submit proper IFP

07-cv-351-TCK-PJC Anthony C Kenney v. NICS Appeal Dividsion FBI Information Svcs Clarksburg
IFP Granted
Dismissed - Failure to prosecute

07-cv-637-TCK-PJC Anthony Kenney v. Alorica Inc
IFP Denied
Dismissed - Failure to cure IFP deficiency

07-cv-701-TCK-FHM Anthony Kenney v. SRC Aetna Company
IFP Denied
Dismissed - Failure to cure IFP deficiency

08-cv-045-CVE-PJC Anthony Kenney v. Board of Review Oklahoma Security Commission
IFP Denied
Dismissed - lack of subject matter jurisdiction

09-cv-478-CVE-FHM Anthony C Kenney v. Facilities Performance Group et al
IFP Moot
Dismissed - Failure to state claim

09-cv-745-GKF-TLW Anthony Kenney v. Board of Review Oklahoma Employment Sec Com
IFP denied
Dismissed - lack of subject matter jurisdiction

09-cv-746-JHP-PJC Anthony Kenney v. Central States Indemnity Co of Omaha
IFP Granted
Dismissed - lack of subject matter jurisdiction

10-cv-088-CVE-TLW Anthony Kenney v. Rose Rock Apts
IFP Granted
Dismissed - lack of subject matter jurisdiction

10-cv-137-JHP-PJC Anthony Kenney v. Oklahoma Comptroller
IFP Pending

10-cv-173-CVE-FHM Anthony Kenney v Faulkner County Circuit Court
IFP Granted
Dismissed - Failure to state a claim, lack of subject matter jurisdiction

10-cv-186-JHP-TLW Anthony Kenney v. Swift Inc Sterling Bank & Chairman Doluney Bridwarter
IFP Pending

10-cv-193-TCK-FHM Anthony Kenney v. Labor Ready
IFP Granted
Dismissed - Failure to state a claim

10-cv-194-CVE-PJC Anthony Kenney v. Labor Finders Inc
IFP Granted
Dismissed - failure to state comprehensible claim

10-cv-486-JHP-FHM Anthony Kenney v. Pettigrew
IFP Pending

10-cv-487-CVE-PJC Anthony Kenney v. Travelers Indemnity Insurance Co et al
IFP Granted
Dismissed - lack of subject matter jurisdiction
Appeal filed (IFP on appeal granted)

10-cv-515-TCK-FHM Anthony Kenney v. Swift Trans Inc et al
IFP Granted
Dismissed - Failure to state a claim

10-cv-516-TCK-FHM Anthony Kenney v. Meacham
IFP Granted
Dismissed - Failure to state a claim

10-cv-562-JHP-TLW Anthony Kenney vs. ABM Janitorial Services, et al.
IFP Pending

10-cv-563-TCK-TLW Kenney vs. Cavalry Portfolio Services, et al.
IFP Pending